THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16310 of 2006

Dt.3-8-2006

Between:

Akula Nagamalleshwari w/o.A.Venkata Ramaiah .. Petitioner

And

1. State Election Commissioner,
   Government of Andhra Pradesh, Hyderabad.
2. The District Collector-cum-Election Officer,
   Krishna District.
3. The Returning Officer,
   Pedaprolu Gram Panchayat,
   Mopidevi Mandal,
   Krishna District.
4. Mandal Praja Parishad Development Officer
   & Assistant Election Authority, Mopidevi
   Mandal, Krishna District.
5. Maddipatla Jagan Mohan Rao s/o.not known,
   aged about 50 years, occ: Agriculture,
   r/o.Kaptakupalem village, H/o.Pedaprolu,
   Mopidevi Mandal, Krishna District. ..
Respondents

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W.P.No.16310 of 2006

**ORDER:**

Heard the Counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the 3rd respondent in showing the 5th respondent as a valid contesting candidate to the post of Sarpanch, Peddaprolu village, Mopidevi Mandal, Krishna District as illegal and contrary to the law laid down by this Court and consequently to declare that the 5th respondent had withdrawn his candidature for contesting to the post of Sarpanch, Peddaprolu village, Mopidevi Mandal, Krishna District and to pass such other suitable orders.

It is stated that the 5th respondent had withdrawn one set of nominations on 27-6-2006 under A.P. Panchayat Raj Act 1994 and under G.O.Ms.No.142, Panchayat Raj and Rural Development Election

Department, dated 2-5-2006 and the Rules framed thereunder. It is stated that the same is in contravention of Rule 14 and also a decision of this Court in **Kandru Venkateswarlu and others Vs. Government of Andhra Pradesh, rep.by its Secretary for Panchayat Raj Wing, Hyderabad and others (1995(3) ALT 217 (DB).**

Prima facie it appears to be in contravention of the Rule and also contrary to the Division Bench Judgment of this Court referred to supra. However, in view of the fact that the process of election is in the midst, this Court is not inclined to interfere with the same. The petitioner is having a remedy by way of election petition. Liberty is given to the petitioner to approach the appropriate Election Tribunal in this regard. The Writ Petition is accordingly disposed of. No order as to costs.

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Justice

P.S.Narayana

Date : 3-8-2006

AM